

June 21, 2013

VIA ELECTRONIC FILING (ECFS)

Marlene H. Dortch, Esq., Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

RE: **EX PARTE PRESENTATION**
*Misuse of Internet Protocol (IP) Captioned Telephone Service; Structure and
Practice of the Video Relay Service Program; Telecommunications Relay
Services and Speech-to-Speech Services for Individuals with Hearing and Speech
Disabilities*
CG Docket Nos. 13-24, 10-51, 03-123

Dear Ms. Dortch:

On June 19, 2013, the undersigned counsel for Hamilton Relay, Inc. ("Hamilton"), met separately with Nicholas Degani, Legal Advisor to Commissioner Pai, and with Karen Peltz Strauss, Greg Hlibok, and Elaine Gardner of the Consumer & Governmental Affairs Bureau. Dixie Ziegler, Vice President of Hamilton, participated in the meetings by telephone.

During the meetings, Hamilton reiterated the points made in its comments filed in the TRS rate proceeding.¹ Specifically, Hamilton encouraged the Commission to use the industry projection of 181,429,401 minutes for IP Captioned Telephone Services ("IP CTS") for 2013-2014, at least on an interim basis until a more accurate projection can be derived based on at least one month of accurate data. That data may show that the actual projection is even less than the industry projection, which was provided prior to the implementation of the interim IP CTS rules earlier this year. But until such data is gathered, the industry projection is an appropriate proxy for purposes of calculating the estimated TRS Fund size.

¹ See Rolka Loube Saltzer Associates Submits Payment Formulas and Funding Requirement for the Interstate Telecommunications Relay Services Fund for the July 2013 Through June 2014 Fund Year, Public Notice, CG Docket Nos. 03-123, 10-51, DA 13-1137 (rel. May 17, 2013); Hamilton Comments (filed May 31, 2013); Hamilton Reply Comments (filed June 7, 2013).

Hamilton also urged the Commission to adopt the proposed IP CTS rate for the entire 2013-2014 funding period, rather than adopting the rate on an interim basis. Hamilton understands that the Commission may be issuing a formal rulemaking proceeding to examine the IP CTS rate in further detail, and Hamilton looks forward to providing additional support for the Multistate Average Rate Structure (“MARS”) methodology at that time. However, until that rulemaking is completed, the IP CTS rate should continue to be calculated using MARS, consistent with the methodology used for calculating interstate Captioned Telephone Services. There is nothing in the record which indicates that the MARS rate unreasonably compensates IP CTS providers. In fact, as Hamilton noted in its comments, the average annual IP CTS rate has increased at less than the Consumer Price Index rate of increase each year since MARS was adopted in 2007.²

This filing is made in accordance with Section 1.1206(b)(1) of the Commission’s rules, 47 C.F.R. § 1.1206(b)(1). In the event that there are any questions concerning this matter, please contact the undersigned.

Respectfully submitted,

WILKINSON BARKER KNAUER, LLP

/s/ David A. O’Connor

Counsel for Hamilton Relay, Inc.

cc (via e-mail): Participants

² Hamilton Comments, at 5.